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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,414	04/06/2001	Oumar Nabe	17207-00009	5145

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EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3693

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/828,414	<b>Applicant(s)</b> NABE ET AL.	
	<b>Examiner</b> Daniel S. Felten	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 7/30/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because several figures are informal (see at least figs. 4-9). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 6-11 and 16-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Walter et al (US 6,334,110)

**Re claims 1, 43, 49, 50 and 51:** Walter discloses managing customer relationships by providing a database of customer information and customer spending data (see Walter, “SDW or Tetradata,” col. 2, lines 23-24);

predicting future customer behavior based on the customer information and customer spending data (see Walter, col. 2, lines 6-16; and lines 54-59); and

constructing customer campaigns with personalized offers for targeted customers (see Walter, col. 2, lines 32-47).

**Re claims 6, 16, 23, 31, 32, 36, 37 and 44:** wherein said step of predicting future customer behavior further comprises the steps of clustering groups of customers using key performance indicators (see Walter, “clustering,” col.1, lines 39-43; and col. 2, lines 31-59);

**Re claims 7, 45 and 53:** wherein said step of predicting future customer behavior further comprises the step of predicting future spending of customers in the customer information database within a specified time period (see Walter, “customer purchase information,” col. 1, lines 44-48; and col. 2, lines 54-59).

**Re claims 8, 18 and 54:** wherein said step of constructing customer campaigns further comprises the step of determining a customer targeting list based on at least one of likelihood of response, an estimate overall response rate, and profitability margin (see Walter, col. 2, lines 6-15).

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**Re claims 9, 19 and 58:** wherein said step of constructing customer campaigns further comprises the step of identifying produce purchase patterns and indicating trends using key variables (see Walter, col. 1, lines 44+).

**Re claims 10, 20, 42 and 55:** wherein said step of constructing customer campaigns further comprises the step of exposing the customer to new spending opportunities by segmenting previous spending patterns (see Walter col. 2, lines 6-16)

**Re claim 11:** Walter discloses at least one computer (PC) (135/160) (see Walter, fig. 2. col. 3, lines 36+; and fig. 3, col. 4, lines 44+); and

a server (central office/ data warehouse) including a database (224) of customer information and customer spending data, said server configured to predict future customer behavior based on the customer information and customer spending data, construct customer campaigns with personalized offers for targeted customers; and a network (145) connecting said server to said computer (see Walter, col. 4, lines 7-30)

**Re claim 21:** wherein said server configured to gather customer information through at least one of point of sale, home shopping, E-commerce, credit card information, bank card information, world wide web and digital television (see Walter, fig. 2. col. 3, lines 36+; and fig. 3, col. 4, lines 44+; and col. 4, lines 7-30).

**Re claim 22:** Walter disclose at least one record of customer information and customer spending data (see Walter, col. 2, lines 23-24 & lines 54-59; and col. 7, lines 22-32)

a record of key performance indicators(see Walter, col. 2, lines 23-24 & lines 54-59; and col. 7, lines 22-32);

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a plurality of rules for matching customer information and customer spending data to at least one of said key performance indicators(see Walter, col. 2, lines 23-24 & lines 54-59; and col. 7, lines 22-32); and

a record of predictions of future customer behavior according to said plurality of rules(see Walter, col. 2, lines 23-24 & lines 54-59; and col. 7, lines 22-32);

**Re claim 24:** comprising a record of rank ordered customer accounts without spending activity over a predetermined trait of time (see col. 7, lines 5-33)

**Re claims 25, 30, 33, 40, 46 and 52:** comprising a record of rank ordered customer accounts that have had only one occurrence of spending activity, based upon a probability of there ever being future spending activity (see col. 7, lines 5-33)

**Re claim 26, 34, 41 and 47:** a record of customer targets based on at least one of likelihood of response, an estimated overall response rate, and profitability margin (see Walter, col. 2, line 54-59);

**Re claim 27 and 35:** prompt a user to select a database of available customer information and customer spending data for analysis; (see Walter, "SDW or Tetradata," col. 2, lines 23-24);

predict future customer behavior based upon customer information and customer spending data (see Walter, col. 2, lines 6-16; and lines 54-59); and

prompt a user with a strategy to manage the customer relationship with personalized offers for customers based upon predicted future behavior (see Walter, col. 2, lines 37-47).

**Re claim 28:** wherein to prompt a user to select a database, said computer displays a computer generated screen listing of key performance indicators (see fig. 4, lines 54+).

**Re claim 29:** wherein to predict future customer behavior, said computer programmed to cluster groups of customer according to key performance indicators (see Walter, col. 2, lines 6-16; and lines 54-59).

**Re claim 56:** The computer program as recited in Claim 48 wherein the network is a wide area network operable using a protocol including at least one of TCP/IP and IPX (see Walter, col. 4, lines 44-49).

**Re claim 57:** wherein the data is received from the user via a graphical user interface (see Walter, col. 4, lines 44-49).

**Re claim 59:** wherein the client system and the server system are connected via a network and wherein the network is one of a wide area network, a local area network, an intranet and the Internet (see Walter, col. 4, lines 44-49).

**Re claim 60:** a code segment that monitors the security of the system by restricting access to unauthorized individuals.

**Re claim 61:** A database comprising:  
data corresponding to customer information and customer spending (see Walter, col. 2, lines 25-59);  
data corresponding to key performance indicators(see Walter, col. 2, lines 25-59) ; and  
at least one rule to be applied to the customer information and  
customer spending data and the key performance indicator data to predict future  
customer behavior (see Walter, col. 2, lines 25-59).

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**Re claim 62:** data corresponding to clustered groups of customers (see Walter, col. 2, lines 23-24); and

at least one rule to be applied to the cluster customer group data and

the key performance indicators to predict future customer behavior (see Walter, col. 2, lines 54-59).

**Re claim 63:** comprising at least one rule to be applied to the customer information and customer spending data and the key performance indicators to rank order customer accounts without spending activity over a predetermined unit of time (see Walter, col. 2, lines 25-59).

**Re claim 65:** comprising at least one rule based upon at least one of a likelihood of response, an estimated overall response rate and a profitability margin, said rule to be applied to the customer information and customer spending data and the key performance indicators to target customers (see Walter, col. 2, lines 25-59).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al (US 6,334,110).



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Re claims 2-5 and 12-15: Hit and Run and Dormancy are conventional mathematical models that are used to perform analysis on a data set. Walter uses market analysis that is based upon a model. Therefore, Official Notice is taken of the Hit and Run and Dormancy models has being obvious extensions to Walter's market analysis to provide market campaigns that can be targeted to specific customers.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Angles et al (US 5,933,811) discloses system and method for delivering customized advertisements within interactive communications systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DSF  
9/21/2006

Daniel S Felten  
Examiner  
Art Unit 3693